% 07.09.2006

Present: Mr. Pawan Sharma for the appellant.

+ Crl. Appeal No.363/2006 & Crl. M.A. No. 4945/2006

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This is an appeal filed by the State against the impugned order on sentence passed by the Metropolitan Magistrate dealing with the cases under Prevention of Food Adulteration Act, 1954. The State is aggrieved by the inadequacy of sentence awarded by the Court below. This appeal was filed before amendment in Section 377 of the Code of Criminal Procedure, 1973. The amendment became effective w.e.f 23.06.2006. Prior to amendment the appeal against the order on sentence on the point of inadequacy of sentence could be filed before the High Court but after amendment the appeal has to be filed before the Court of Sessions in case the order on sentence is of the Magistrate. Since in the present case, order on sentence was passed by the Magistrate, the appeal has to be heard and decided by the Sessions Court. Hence the present appeal is remitted to the learned District & Sessions Judge, Delhi who



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Signing Date:29.11.2023 12:22
Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

in his discretion may assign the same for hearing to any other Additional Sessions Judge. The parties are directed to appear before the learned District & Sessions Judge, Delhi for further orders at 2:00 pm on 18.09.2006.

The Registry is directed to send the complete file of this appeal to the learned District & Sessions Judge, Delhi before the said date.

S.N. AGGARWAL, J

**SEPTEMBER 07, 2006**

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